

REMARKS

Claims 1-10 are pending. Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

Specification

The disclosure was objected to because of minor informalities in the cross-reference to co-pending applications in paragraph starting at line 4 in page 1 of the specification. Accordingly, Applicant has amended the paragraph and replaced the docket numbers with the corresponding serial numbers.

Claim Rejection -- 35 USC § 112

Claims 3 and 4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because of the lack of antecedent basis for the phrase "shaft diameter." Accordingly, Applicant has amended claims 3 and 4 and replaced the word "shaft" with the word "shank."

Therefore, Applicant respectfully submits that the pending claims are in full compliance with § 112 and respectfully request that the rejection of claims 3 and 4 under § 112, second paragraph be withdrawn.

Claim Rejection -- 35 USC § 103

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shelton (U.S. Patent No. 4,836,372) in view of the "Standard Specification for Driven Fasteners: Nails, Spikes, and Staples, American Society for Testing and Materials," (hereinafter ASTM). Applicant respectfully traverses this rejection for at least the following reasons.

The Examiner concedes that Shelton does not disclose a nail with a shank diameter between 0.092 to 0.148 inch, the length between 1.625 inches and 3.00 inches and the ratio of the head diameter to shank diameter of each nail being between 2.70 and 3.37. The Examiner, however, contends that ASTM shows the nails in table 36 comprising each nail having a length of 1.75 inches, a shank diameter of 0.113 inch, a head diameter of 0.312 inch and a ratio of the head diameter to the shank diameter of 2.76 and thus it would have been obvious to one of ordinary skill in the art to modify the nails of Shelton so the shank diameter

of each nail generally corresponds to the shank diameter as specified by ASTM F1667-95. Applicant respectfully disagrees.

Claim 1 recites, *inter-alia*, "A package of collated nails suitable for sheathing...each nail is manufactured from steel wire..."

In contrast, the nails listed in table 36 of ASTM F1667 are all made of aluminum alloy wire. The nails listed in table 36 of ASTM F1667 are not made of steel wire. Furthermore, contrary to the nails recited in claim 1 which are suitable for sheathing, the nails listed in table 36 of ASTM F1667 are simply shingle nails, i.e. suitable for fastening shingles. The nails listed in table 36 of ASTM F1667 are merely used for fastening shingles and are not suitable for sheathing because they are made of aluminum, which does not possess the structural characteristics required for the sheathing nails as claimed.

Furthermore, the only nail in table 36 ASTM F1667 that has a shank length of 1.75 inches, a shank diameter of 0.113 inch and a head diameter of 0.312 inch thus achieving a ratio of head diameter to shank diameter of 2.761 is nail "Dash No. 06." However, this nail is made of aluminum and thus not suitable for sheathing. Moreover, contrary to the nail recited in claim 1, nail "Dash No. 06" has a smooth shank, i.e. does not have a plurality of surface deformations formed on the shank.

Consequently, neither Shelton nor ASTM disclose, teach or suggest, alone or in combination, the subject matter recited in claim 1.

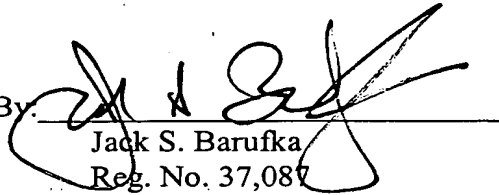
It must be appreciated that none of the prior art teaches or suggests the nails as claimed. Therefore, Applicant respectfully submits that claim 1, and claims 2-10 which are dependent therefrom, are patentable and respectfully requests that the rejection of claims 1-10 under § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,  
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